REMARKS

1. SUMMARY OF INTERVIEW

In a telephone interview on December 9, 2003, between Applicants' representative Dr. Maha Hamdan, and Examiner Witz, the Examiner clarified that although Claim 27 appears to be objected to as noted in the Office Action, page 1, item 7, this notation is incorrect. Rather, Claim 27 is rejected under 35 U.S.C. §102(b) as indicated in the Office Action, page 2.

2. STATUS OF THE CLAIMS

Claims 1-13, 21, and 26-49 are pending.

Claim cancellations and amendments were made to describe particular embodiments of the invention, notwithstanding Applicants' belief that the cancelled and unamended claims would have been allowable, without acquiescing to any of the Examiner's arguments, and without waiving the right to prosecute the unamended (or similar) claims in another application, but rather for the purpose of furthering Applicants' business goals and expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG).[1]

In particular, Claim 1 has been amended to recite "2.0" instead of "1.0" centipoise. Claim 2 has been cancelled since its limitation was incorporated into amended Claim 1.

Claims 1 and 7 have been amended to replace the abbreviation "cp" with the full term "centipoise."

Claims 4-6 and 28-29 have been amended to change their form from a dependent to an independent claim.

New Claims 50-53 have been added to describe particular embodiments as supported by the Specification, page 2, lines 15-23 which discloses:

> "Thus, in a first aspect, the invention provides a method for increasing plasma viscosity in a mammal by administering a pharmaceutically acceptable viscosity-increasing agent in an amount sufficient to increase plasma viscosity by at least 0.5 centipose (cp), preferably at least 1.0 cp, more preferably at least

[1] 65 Fed. Reg. 54603 (September 8, 2000).

> 1.5 cp, still more preferably at least 2.0 cp or **at least 2.5 cp.** Preferably the viscosity–increasing agent is administered in a solution of sufficient viscosity such that on dilution into the blood of the mammal the resulting blood viscosity is maintained above 2 cp, and preferably **above 3 cp**, or more preferably in the range of **3-5 cp**, most preferably **3.5-4.5 cp**."

Applicants' amendments do not introduce new matter.

3. ELECTION

Applicants note that the Examiner inadvertently omitted to include claim 21 from the list of pending[2] and elected[3] claims. The Examiner is respectfully reminded that in their prior response that was mailed to the Office, Applicants elected "Group I (Claims 1-13, **and 21**), without traverse."

4. ALLOWED CLAIMS

Applicants note, with appreciation, that "Claims 7-13 and 30-49 are allowed."[4]

5. OBJECTED-TO CLAIMS

The Examiner indicated that "Claims 4-6, 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form ..."[5] Claims 4-6 and 28-29 have been amended[6] to rewrite them in independent form, and therefore should be allowed.

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[2] Office Action, page 1, item 4.

[3] Office Action, page 2, first paragraph.

[4] Office Action, page 2, last sentence.

[5] Office Action, page 2, last but one paragraph.

[6] Claim amendments were made notwithstanding Applicants' belief that the unamended claims should have been allowable, without acquiescing to any of the Examiner's arguments, and without waiving the right to prosecute the unamended (or similar) claims in another application, but rather for the purpose of furthering Applicants' business goals and expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG).

6. REJECTION OF CLAIMS 1-3 AND 26-27 UNDER 35 U.S.C. §102(b)

Claims 1-3 and 26-27 were rejected under 35 U.S.C. §102(b) for alleged anticipation by either of Krieter et al. or Ehrly et al. on the ground that "[b]oth references teach the increase of plasma viscosity with a viscosity-increasing agent."[7] Applicants respectfully disagree since neither reference discloses the recited numerical ranges of increased viscosity of "**at least 2.5 centipoise**" (amended Claim 1, and dependent Claims 26 and 27). In addition, neither reference teaches that the viscosity increasing agent has a viscosity of "**at least 4.0 centipoise**" (Claim 26) or "**between 4 and 20 centipoise**" (Claim 27).

In particular, Ehrly et al. discloses only that Rheomacrodex solution resulted in "higher viscosity of the whole blood compared to the blanks," and is conspicuously **silent on the numerical range** by which viscosity was increased.

Also, Krieter et al. does **not disclose the recited ranges** of increased plasma viscosity, but rather discloses that "plasma viscosity was increased step by step from 1.06 (baseline) to 2.14, and 2.99 mPa cntdots" by infusion of splenectomized beagles with dextran.

Since, neither Ehrly et al. nor Krieter et al. discloses all the limitations of rejected claims, withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested.

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[7] Office Action, middle of page 2.

Applicants further note that the newly added Claims 50-53 also are not anticipated by Ehrly et al. or Krieter et al. since these references do **not** disclose administering a non-oxygen-carrying viscosity increasing agent in an amount sufficient to increase peripheral viscosity by "at least 2.5 centipoise" (Claim 50), "at least 3.0 centipoise" (Claim 51), "from 3 to 5 centipoise" (Claim 52), and "from 3.5 to 4.5 centipoise" (Claim 53).

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